



Federal Deposit Insurance Corporation

550 17th Street NW, Washington, D.C. 20429-9990

Legal Division

September 25, 2024

Wilfredo Gajda
769 Pelham Road
Apt 3F
New Rochelle, NY 10805

Re: FDIC FOIA Log Number 2024-FDIC-FOIA-00891

Dear Wilfredo Gajda:

This is in final response to your Freedom of Information Act (FOIA) request received on August 12, 2024, which is being processed under the above-noted FOIA request log number. Your request seeks the following:

What are your regulations on the Bank Secrecy Act from the 1970's? What software or technological advancements is used to enforce it, besides reporting transactions over \$10,000 in a CTR report? Is it considered smurfing if I establish multiple certificate of deposits with small amounts and then liquidate it in a more liquid account once the amounts add up to my goal amount. I don't have the wealth to divide into smaller amounts to avoid the CTR limit, I am trying to establish my savings, by starting from \$0 and working my way up. I am asking because my bank keeps purging my account profiles after they conduct a review. They done it two times already. I am asking for information under the FDIC regulations not my banks regulations.

We have considered your request in light of the requirements of the FOIA and the FDIC's FOIA regulations.¹ We have determined that your request is not in compliance with applicable requirements because it does not reasonably request agency records and therefore cannot be processed. We are providing the following detailed explanation to assist you.

ANALYSIS

As a threshold matter, the FOIA permits a person to request access to agency records. Your request is not asking for copies of agency records, but rather is posing a scenario to which you would like answers to questions such as, "[i]f a bank client files a complaint with the FDIC's Consumer Response Center, is the response of the Bank to the complaint (A) subject to disclosure to the consumer or (B) subject to disclosure to the general public via FOIA? I know that the CFPB have their own rules which, I believe, includes allowing the consumer to review the bank's response?"

The FOIA does not require an agency to answer questions, undertake research, or speculate as to what information may or may not be of interest to a requestor. These matters are all outside the scope of the FOIA, and, as such, cannot be addressed under the same.

¹ The FDIC's FOIA regulations and FOIA Fee Schedule are available on our website at the FOIA Service Center, <https://www.fdic.gov/about/freedom/index.html>.

Although your request cannot be processed under the FOIA, the following general information located at the links noted below on our webpage may be of assistance to you.

<https://www.fdic.gov/resources>

<https://www.fdic.gov/banker-resource-center/bank-secrecy-act-anti-money-laundering-bsaaml>

Administrative Closure of Request

Accordingly, your request does not comply with the FDIC's FOIA regulations which provide, at 12 C.F.R. §309.5(c):

Defective requests. The FDIC need not accept or process a request that does not reasonably describe the records requested or that does not otherwise comply with the requirements of this part. The FDIC may return a defective request, specifying the deficiency. The requester may submit a corrected request, which will be treated as a new request.

Since your request is not in compliance with the FOIA and our regulations, we are administratively closing your request file. You may submit a new request for FDIC records at any time. Complete information about making a request for FDIC records may be found at:

<http://www.fdic.gov/about/freedom>.

This completes the processing of this request. You may contact me by email at mathompson@fdic.gov or our FOIA Public Liaison at FOIAPublicLiaison@fdic.gov or by telephone at 703-562-6040 for any further assistance and to discuss any aspect of your request.

Sincerely,

Mark Thompson
Government Information Specialist
FOIA/PA Group
Legal Division